IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 23135 of 2006(D)

AGAINST THE ORDER DATED 08/08/2004 IN IN EP.201/1994 IN LAR.48/1982 of PRINCIPAL SUB COURT,KOLLAM

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PETITIONER:

THE KERALA MINERALS & METALS LTD.,
SANKARAMANGALAM, CHAVARA, KOLLAM,
REPRESENTED BY ITS COMPANY SECRETARY.

BY ADV. SRI.U.K.RAMAKRISHNAN, SC. KMML
SRI.E.K.MADHAVAN
SRI.V.KRISHNA MENON
SMT.P.VIJAYAMMA
SMT.UMA GOPINATH

RESPONDENTS:

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1. N. BALAKRISHNA KURUP,
NANGASSERIL VEEDU, KOICKAL MURI,
KIZHAKKE KALLADA, PANMANA VILLAGE,
KOLLAM DISTRICT.

2. STATE OF KERALA, REPRESENTED BY
DISTRICT COLLECTOR, KOLLAM.

ADDL. RESONDENTS:

3. SMT. JABALA BAI, W/O. BALAKRISHNA KURUP
NANGASSERIL VEEDU, KOYIKKALMURI, EAST KALLADA P.O.
KOLLAM

4. SMT. AMBIKADEVI, D/O. BALAKRISHNA KURUP
NANGASSERIL VEEDU, KOYILAKKALMURI, EAST KALLADA P.O
KOLLAM

5. SHRI. K.B.JAYACHANDRAN, S/O. BALAKRISHNA KURUP
-DO-

6. SHRI. N.B.SANIL KUMAR, NANGASSERIL, THEKKEVILA P.O., KOLLAM

(IMPLEADED AS ADDL. RESPONDENTS 2 TO 6 VIDE ORDER ON I.A.15785/06 DATED

11.6.2007)

R2 BY GOVT. PLEADER SMT. R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE DECREE PASSED BY THIS HON'BLE COURT IN L.A.A.247/85

EXT.P2: -DO- OF THE STATEMENT OF ACCOUNTS DT. 23.10.1996

EXT.P3: -DO- OF THE STATEMENT OF ACCOUNTS

EXT.P4: -DO- OF THE STATEMENT OF ACCOUNTS DT. 28/5/2003

EXT.P5: -DO- OF THE ORDER DT.8.8.2004

EXT.P6: -DO- OF THE STATEMENT SHOWING THE CALCULATION OF THE AMOUNT AS PER DECREE

jj /TRUE COPY/

P.A.TO JUDGE

M.N. KRISHNAN, J.

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W.P.(C) No. 23135 OF 2006 D
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Dated this the 11th June, 2007

J U D G M E N T

This writ petition is filed by Kerala Minerals & Metals Limited and their grievance is that as per Ext. P5 the Subordinate Judge's Court found that the claimant is entitled to an additional sum of Rs.27,491/- due as on 8-7-2004. It is contended by the present writ petitioner that such an order has been passed without hearing them and therefore the Subordinate Judge's Court may be directed to fix the amount, if any, after hearing them. The learned counsel appearing for the writ petitioner brought to my notice the order of this Court in W.P.(C) No. 23329/06 which arose out of the order in L.A.R. 114/1979. Therein this Court directed that the executing court shall re-fix the amount, if any, payable to the 1st respondent after hearing the petitioner as well. There can be a similar disposal of this matter as well. This writ petition is disposed of accordingly and the executing court is directed to fix the amount, if any,

payable to supplemental respondents 3 to 6 after hearing the petitioner as well.

M.N. KRISHNAN
JUDGE

jan/